

Appl. No. 09/981,513  
Amndt. Dated . Oct. 27, 2003  
Reply to Office Action of Aug 27, 2003

## REMARKS

### *Claim Rejections Under 35 U.S.C. 103(a)*

Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's own admitted prior art.

Regarding claim 23, the Dense Wavelength Division Multiplexing system has a pigtail with two holes. The two holes are at different distances from and parallel to a center axis of the pigtail.

Examiner states applicant's "The Prior Art" section teaches a DWDM system with two holes. The two holes are at the same distance from and parallel to a center axis of the pigtail. Examiner also essentially states the two holes cannot be exactly the same distance from the center axis of the pigtail due to slight manufacturing imprecisions. Examiner therefore states the invention is obvious in view of the prior art admitted by applicant.

Applicant has slightly amended claim 23 in order to more clearly particularize the subject-matter being claimed, and respectfully traverses the rejection for the following reasons.

Applicant acknowledges that the holes cannot be precisely the same distance from the center axis of the pigtail due to slight manufacturing imprecisions. It is well known to one skilled in the art that any differences arising from

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manufacturing imprecisions must be avoided. One skilled in the art has motivation to eliminate this shortcoming, which is quite different from the motivation of the present invention to deliberately obtain different distances in order to achieve the object of the present invention, i.e. a desired center-wavelength. On the other hand, the clearance or tolerance in manufacturing does not jeopardize or distort the meaning of the "same distance" required by the prior art, and needless to say to indicate or suggest the different distances in manufacturing. From the engineering viewpoint, the prior art essentially belongs to the same distance field rather than the different distance field.

To put it another way, if one skilled in the art were to manufacture the structure of the admitted prior art, then even assuming that the holes were at different distances from the center axis, there would be no assurance that the holes would yield the desired center-wavelength. In addition, due to manufacturing imprecisions, there is a risk that the two holes would be exactly the same distance from the center axis. Whereas if said person were to manufacture the structure as claimed in amended claim 23 of the present invention, it would be assured that the holes would be different distances from the center axis. Furthermore, the holes would be disposed at desired locations that yield the desired center-wavelength. The DWDM system of the present invention obtains light having a particular wavelength which is related to said different distances. This is a new, surprising result not at all taught or suggested by the admitted prior art. Therefore, the present invention is not obvious in view of the prior art admitted by applicant, and claim 23 should be allowable.

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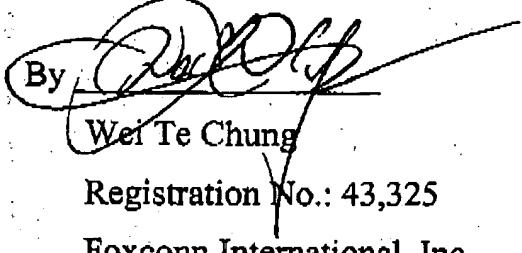
Since claims 24-28 directly or indirectly depend on claim 23, claims 24-28 should likewise be allowable.

In view of the foregoing amendments and remarks, applicant respectfully submits that the claims are in condition for allowance, and requests that the application be passed to issuance.

Respectfully submitted,

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